IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9260 OF 2005

The State Central Library
Town Hall, Mumbai ....Petitioner
V/s.
Tulsiram S. Shinde & another ....Respondents

Mr.V.P. Malwankar, AGP for the Petitioner.

CORAM : F.I. REBELLO &
R.M. SAVANT, JJ.
DATED : 23RD APRIL, 2007.

P.C. :

1. In Writ Petition No.9013 of 2005, filed by Trimbak Pandhari Shelke (arising out of IDA Ref.No.471 of 1997), the Petition was dismissed. This Petition arises from Reference IDA No.470 of 1997. Both the References were disposed of by a common award dated 13.9.2004. The learned Single Judge hearing this Petition and who had referred the matter to this Division Bench, proceeded on the footing that the judgment in Bangalore Water Supply has been referred to Larger Bench. In our view, that would be immaterial as the decision on what is industry, till date has not been recalled.

2. In so far as applicability of Section 25(F)

of the I.D. Act is concerned, workman must show that he was in continuous service for a period of 240 days and that the services were terminated without complying with the procedure required. That was proved before the tribunal. The learned Tribunal held that the Employer failed to comply with the procedure and directed to pay 50% back wages till the date of the award and thereafter directed the workman to apply for the post of Peon and their case to be considered under Section 25(M) of the I.D. Act.

3. We have perused the impugned award. Apart from that we find another similarly situated workman a learned Judge dismissed the Petition on merits. Both the matters were disposed off by a common award. We find no reason to interfere with the impugned award. Hence the Petition is rejected.

(R.M. SAVANT, J.) (F.I. REBELLO, J.)